

DEBORAH SMITH  
Acting United States Attorney

KAREN L. LOEFFLER  
Assistant U.S. Attorney  
Federal Building & U.S. Courthouse  
222 West Seventh Avenue, #9  
Anchorage, Alaska 99513-7567  
(907) 271-5071  
fax: (907) 271-5071  
email: karen.loeffler@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	Case No. 3:05-cr-00065-JWS
	)	
Plaintiff,	)	<b><u>GOVERNMENT'S</u></b>
	)	<b><u>SENTENCING MEMORANDUM</u></b>
vs.	)	
	)	
EDWARD TED MCDONALD,	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, the United States of America, by and through undersigned counsel, and submits its sentencing memorandum concerning defendant, Edward Ted McDonald, as follows:

**I. Summary of Estimated Guideline Calculations**

The government has no objections to the presentence report ("PSR") calculations. The guideline calculation is identical to that set forth in the plea

agreement with the exception that defendant's objections to the draft PSR lead the PSR writer to recommend that defendant does not qualify for acceptance of responsibility. The government now understands that the defendant has withdrawn his objections to the PSR. Therefore, the government will support the original guideline calculation contained in the plea agreement entered into pursuant to Fed.R.Crim.P. 11(c)(1)(C).

## **II. Response to Anticipated Objections**

Based on defendant's sentencing memorandum, the government anticipates that there will be no objections to the PSR and both parties will request that the court accept the contemplated sentence set forth in the plea agreement.

## **III. Government's Recommendation**

As contemplated by the plea agreement, the government will recommend that the court sentence Mr. McDonald to 37 months imprisonment with a downward departure for the time served in State of Alaska custody before federal charges were filed. That is 37 months minus the time from April 11, 2005, until his arrest on July 28, 2005. The government will also recommend that defendant be put in supervised release for 3 years. As a condition of supervised release, in addition to the standard conditions, defendant should be required to refrain from any work as a contractor unless validly licensed in the jurisdiction and supervised

by another licensed contractor.

This case came to the attention of the federal authorities when the State Troopers in Ketchikan were summoned to the Department of Motor Vehicles based on a complaint of defendants attempting to obtain fraudulent identification in Alaska. Upon contacting the defendants and following up with searches of their rented vehicles the troopers discovered that defendants were wanted in a number of states for conducting a series of roofing and paving scams on primarily elderly victims throughout the United States. Follow up by the Federal Bureau of Investigation showed that Mr. Edwards, along with his co-defendant and others engaged in a multi-year scheme of traveling around the country defrauding elderly homeowners by doing slipshod repair work with substandard materials. It appears that neither defendant nor his colleagues were ever validly licensed to do contracting work, and in virtually every instance, upon payment they would immediately cash the check and leave the jurisdiction with no way to locate them.

The difficulty in prosecution is evident from the record of these individual's actions. First, many jurisdictions where complaints were filed considered the matter civil. Where the jurisdiction had a contracting board that could follow up, charges were filed. However, the defendants, in each instance, had left the state, making prosecution virtually impossible. In cases where they were pursued,

defendants offered to pay restitution in lieu of reduced charges or dismissal of the complaints.

The present prosecution encompasses the breadth of the scheme. The contemplated sentence of 37 months total for their nationwide scam imposes a significant and necessary step to deter this behavior, protect the citizens of the various states and impose a just punishment. The government respectfully recommends that the court impose sentence in accordance with the plea agreement as detailed above.

RESPECTFULLY SUBMITTED this day, March 22, 2006, in  
Anchorage, Alaska.

DEBORAH M. SMITH  
Acting United States Attorney

s/ Karen L. Loeffler  
Assistant U.S. Attorney  
Federal Building & U.S. Courthouse  
222 West Seventh Avenue, #9  
Anchorage, Alaska 99513-7567  
(907) 271-5071 telephone  
(907) 271-5071 facsimile  
email: karen.loeffler@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on March 22 2006,  
a copy of the foregoing was served  
electronically on:

Hugh Fleisher

and

John Murtagh

s/ KarenL. Loeffler